Higher Education Joint Unions Pay Claim 2020/21

The Higher Education trade unions national claim for 2020/21 is:

- An increase in all higher education salaries by the Retail Price Index plus 5% on all 49 points of the national pay spine; for all pay related allowances including London weighting, to have same uplift;

- The minimum hourly rate of pay for staff employed by universities to be £10.50 per hour[1]. This is to be applicable to staff at all HEIs whether the standard full-time weekly employment contract is 35 hours per week or above;

- Addressing compression of the pay spine, with the aim of restoring the 3% differential between pay spinal column points over the next three years;

- For all universities to become Living Wage Foundation accredited employers ensuring that outsourced workers receive at least the Foundation Living Wage rate;

- For the standard weekly full-time contract of employment to be 35 hours per week at all higher education institutions;

- Ending pay injustice – meaningful, agreed action to tackle the race, gender and disability pay gap; to take an intersectional approach to the ways in which intersectionality and protected characteristics impact on pay equality;

- Meaningful, agreed action to address excessive workloads and unpaid work; action to address the impact that excessive workloads are having on workforce stress and mental ill-health;

- New JNCHES to establish working group/s to look at career development, progression issues and training opportunities in higher education.

- To establish the Scottish sub-committee of New JNCHES as set out under the New JNCHES agreement; to review and consider how the Scottish Fair Work Convention dimensions can best be applied at a UK level;

- Agreeing a framework to eliminate precarious employment practises and casualised contracts, including zero hours contracts, from higher education;

[1] In London, where the Living Wage Foundation rate will be 10.75 per hour this should be relevant minimum.

converting hourly paid staff onto fractional contracts; agreeing national guidance to end the outsourcing of support services in higher education and to bring staff into in-house employment.

This joint higher education trade union claim is submitted against a backdrop of yet another dispute on pay and related matters in higher education. This is the fifth dispute in the last six years.

It is the collective view of the trade unions that we need JNCHES to deliver for all staff in the sector and that the pay offer needs to address a number of important issues that impact on members' daily lives. This jointly agreed trade union pay and equality claim is a claim for all staff in higher education. Our claim is timely and serious and argues the case that all staff deserve a decent pay rise that both keeps up with the increasing cost of living as well as catching up with pay lost over the past ten years. Whether HE staff work in pre- or post-1992 universities, the contribution of all staff should be properly recognised and rewarded and their collective contribution to higher education should result in net pay rises not pay decline.

The unions believe that reaching an agreement on this claim will start to address falling standards of living, pay equality, precarious employment and increasing workloads. All of these are issues in our claim that need to be addressed and we challenge UCEA to be bold in responding to each of them.

This claim has the support of the five trade unions and is designed to set out a framework for positive dialogue on ways in which a number of employment-related and equality matters can be addressed. These elements have been included as the unions still strongly believe that jointly addressing these elements of the claim will bring benefits to our members' working lives as well as to higher education institutions.

Universities rely on the goodwill of all employees to work excessive hours and take on more work without increases in their pay. The claim re-visits this matter and seeks to address this ongoing problem.

The joint unions are now challenging universities to address pay that has significantly fallen behind inflation, to address the gender and race pay gap, precarious working practices and the growing divergence between nations. The unions are also calling for a national framework agreement that will deliver parity between institutions to ensure that the full-time contract used by all universities is based on a 35 hour working week as standard (pro-rata accordingly for part-time employees).

We believe that there would be merit in individuals and institutions having a degree of certainty around financial and workforce planning at a time when much else is uncertain.

Background

The joint trade unions acknowledge there is uncertainty facing the sector. Our claim is a reasonable one in this context. We also know that the demand for HE continues to be high and that increasing numbers of school leavers apply to study higher education every year and that UK undergraduate demand is projected to increase significantly in coming years.

Employers cite uncertainty as a key variable in their financial caution in relation to a pay offer. However, these uncertainties have existed for some time and have not led to significant caution and/or restraint in relation to university expenditure on capital investment and senior leadership pay.

It's important to bear in mind that the pay offer in 2019/20 for the majority of HE staff was yet another below inflation uplift when measured against RPI. This is against a backdrop of staff

reporting ever increasing workloads and working hours, increased work-related stress and casualisation.
The joint unions are making clear that this year higher education pay needs to increase by both a 'keep up' and 'catch up' amount. The claim has two key elements for the majority on the 49 point pay spine – both RPI ('keep up') and an additional amount to start to begin to rectify the loss in members' pay since 2009.

The joint unions believe that meeting the claim in full will start the process of eliminating the losses in pay due to sub-inflationary increases over the past ten years.

New JNCHES negotiations can and should result in decent pay increases and not the real terms declines seen in recent years. The trade union side want national bargaining to be undertaken in good faith, to be productive and effective. However, for the bargaining process to work and for trust to be rebuilt in this process, it needs to result in outcomes that recognise the real value of the contribution of staff. A pay offer that does not deliver this message raises concerns about the effectiveness of New JNCHES. It also leads to inevitable rejection and often to a dispute which does members, employers and the sector avoidable harm.

Annual Pay Uplift

The trade unions are seeking a positive response from the employers to our claim at the first New JNCHES meeting on 31 March 2020. We are seeking an increase to the pay spine that addresses the following issues for 2020/21:

The value of members' pay has declined and continues to fall. Since 2009, the cumulative loss to pay (compared to rises in RPI) is 16.4%.

It is the trade union side's view that these, and future, negotiations should start from the basis that existing salaries will at least be increased by the RPI as the opening position and will thus keep up with rising prices.

The joint unions are requesting that the pay offer is set out as both an uplift amount and that this is also expressed in terms of the change to hourly rates of pay.

This section of the pay claim comes under section 6, first bullet point of the New JNCHES Agreement, 26 March 2013.

RPI PLUS 5%

The joint unions are calling for a pay rise that recognises the increases in the cost of living, as set out above. The Retail Prices Index is still recognised by the government and companies, and is used for a range of increases.

Low Pay and the Living Wage

On Boris Johnson's first day as prime minister, he showed his support for the Living Wage Foundation rates by announcing that all entry-level cleaners working in all government departments in Whitehall will earn at least the Living Wage Foundation London rate.

In response to a parliamentary question the prime minister stated "I have to say ... I was very proud that when I was running London we massively expanded the (Foundation) Living Wage, and we made sure that it was paid not just by the GLA bodies, but by their contractors as well. And that is what we should be doing."

Yet the commitment to eliminating poverty pay has, unfortunately, not been emulated to the same extent across the entirety of the higher education sector.

In formulating an offer in response to this pay claim, the joint unions are calling for UCEA to lead the way in encouraging all universities to sign up to the Foundation Living Wage to ensure that everyone working on campus, everyone delivering services to and for higher education, earns a decent basic wage for their labour. This must include those who are employed by contractors – they are no less entitled to a decent wage for their work to higher education institutions, their staff and students.

According to UNISON's 2020 survey there are at least 8,650 staff employed directly by universities earning below the Foundation Living Wage. We welcome the decrease in the number of staff earning below the FLW level employed directly by the sector. With many of these employees working part-time the cost of addressing poverty pay within the sector is within grasping distance. However, as so many universities have outsourced catering, cleaning and security service provision to private contractors, the only way to address the continuing problem of poverty wages in the sector, is for more universities to become accredited by the Living Wage Foundation. There are currently 42 accredited FLW universities, leaving more than two thirds of universities yet to sign up.

Currently the lowest pay point on the national higher education pay spine has an hourly rate below the Living Wage Foundation rate of £9.30 per hour (outside London) that will be implemented from April 2020. In fact it is not until SCP 7 that all employees working in an HEI will receive at least the Living Wage Foundation rate, as those on a 37 hour per week contract have an hourly rate that is only just above the Living Wage threshold (SCP 7, 37 hour week earn £9.36). Thus, significant progress needs to be made to address poverty pay in the offer for 2020/21 on all of the lower pay points.

The joint unions are also calling for £10.50 per hour (see footnote 1) to be the minimum wage for all staff employed by universities, this would mean an underpinning pay rise of £3,466 to ensure that those on a 37 hour per week contract on SCP 3 would be paid at least £10.50 per hour.

This claim calls for New JNCHES to take a leading role in encouraging universities to become accredited living wage employers and to lead the way in tackling poverty pay within their communities. As the prime minister stated in December 2019: “Hard work should always pay, but for too long people haven’t seen the pay rises they deserve." We know that staff in higher education are working incredibly hard, now is the time to give them the pay rise that they deserve.

Loss in the value of pay

The loss in value of pay has resulted in HE staff having less disposable income and facing increasing financial difficulties.

From a 2009 baseline, pay awards in higher education have resulted in a cumulative increase of 13% over the past ten years. In the same time period, the RPI index has increased by 35.2%. The impact of the cost of living rising so much faster than HE pay is that higher education staff have seen the value of their pay decline by an enormous 22.2 pence per pound since 2009 or 16.4%. UCEA’s own report ‘Real Wage Changes on the New JNCHES Pay Spine’ demonstrates that staff pay has declined by up to 10.5% from a baseline year of 2008/09 or 9.5% from a baseline year of 2009/10 when measured against CPI. The UCEA research concurs with the unions that this is significantly higher when compared against RPI. Given the agreement that there has been a significant real-term drop in the value of pay the unions believe that a claim for a 5% 'catch up' element is reasonable in the circumstances.

Loss in the value of pay

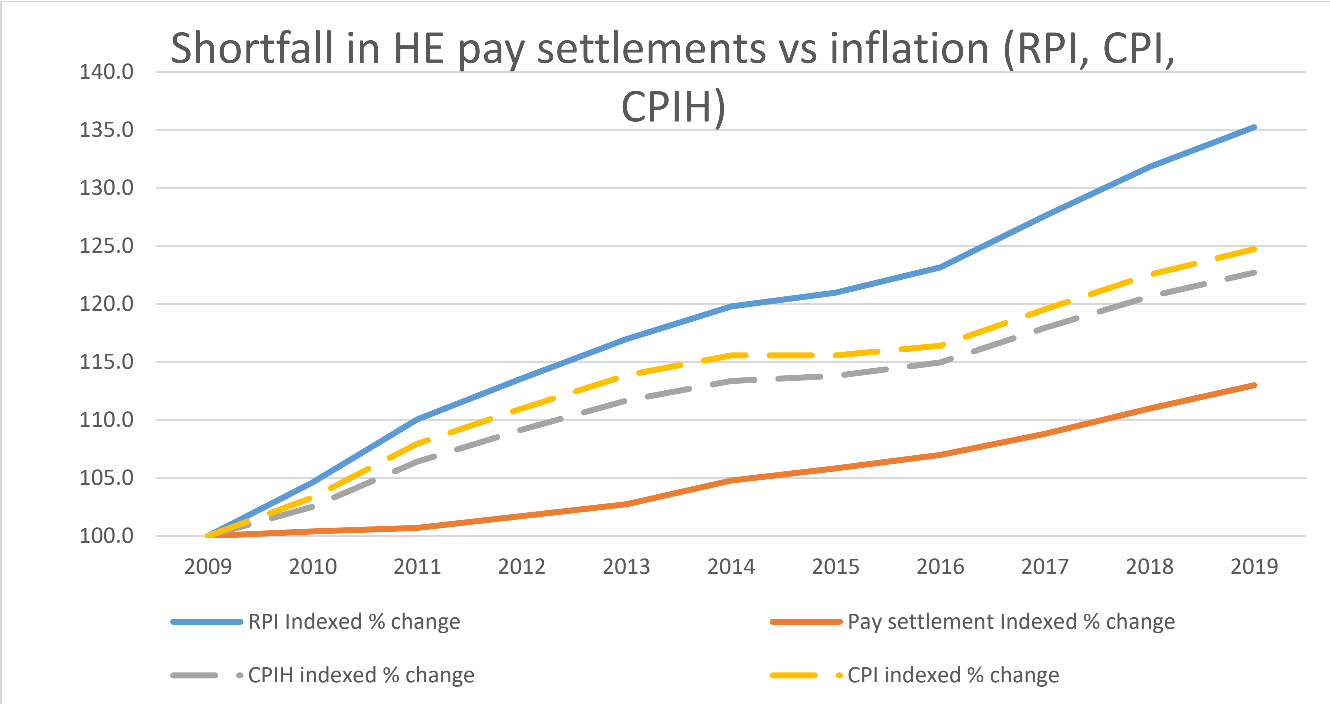
Year	RPI annual change %	RPI Indexed % change	Pay settlement %	Pay settlement Indexed % change	CPI All Items annual % change	CPI indexed % change
2009	-0.5	100.0	Baseline	100.0	2.2	100.0
2010	4.6	104.6	0.4	100.4	3.3	103.3
2011	5.2	110.0	0.3	100.7	4.5	107.9
2012	3.2	113.6	1	101.7	2.8	111.0
2013	3	117.0	1	102.7	2.6	113.9
2014	2.4	119.8	2	104.8	1.5	115.6
2015	1	121.0	1	105.8	0	115.6
2016	1.8	123.1	1.1	107.0	0.7	116.4
2017	3.6	127.6	1.7	108.8	2.7	119.5
2018	3.3	131.8	2	111.0	2.5	122.5
2019	2.6	135.2	1.8	113.0	1.8	124.7

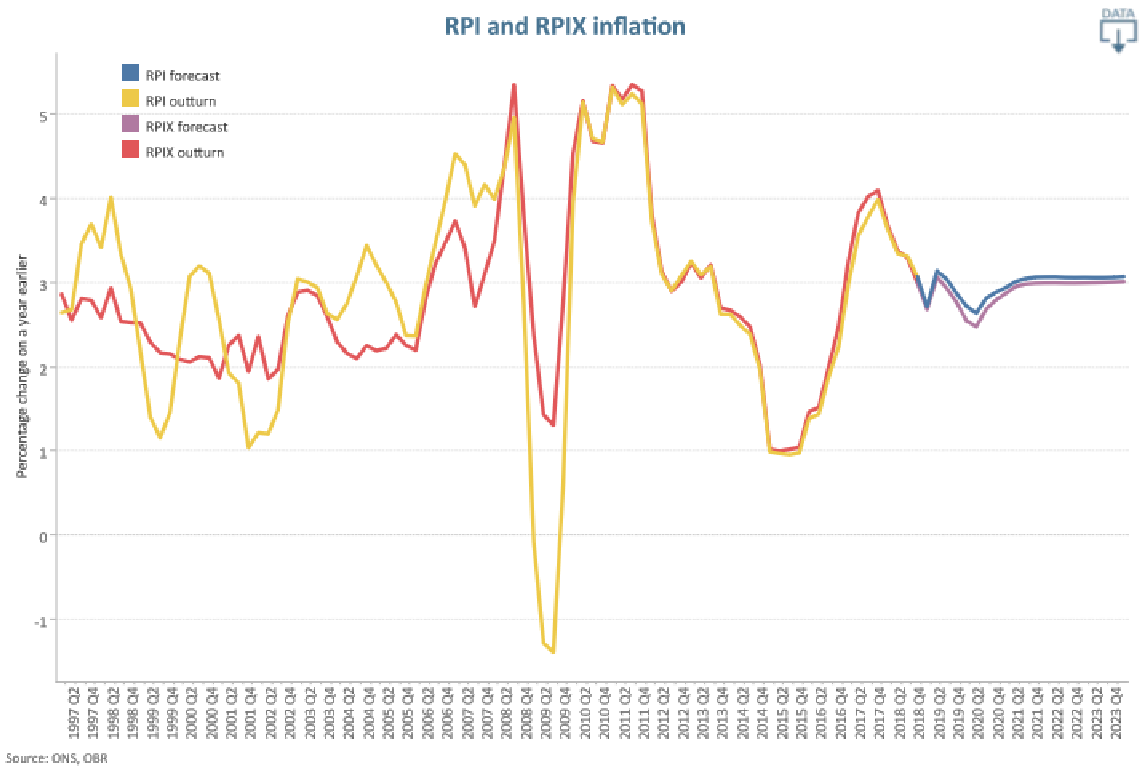
Predicted increase in cost of living facing staff

The most recent inflation figures published showed that RPI stood at 2.7% in January 2020[2].

RPI vs pay- real terms change	19.7%
CPI vs pay- real terms change	10.4%
CPIH vs pay- real terms change	8.6%

https://www.ons.gov.uk/economy/inflationandpriceindices


Shortfall in HE pay settlements vs inflation (RPI, CPI, CPIH)
140.0
135.0
130.0
125.0
120.0
115.0
110.0
105.0
100.0
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
RPI Indexed % change
Pay settlement Indexed % change
CPIH indexed % change
CPI indexed % change


RPI and RPIX inflation
DATA
RPI forecast
RPI outturn
RPIX forecast
RPIX outturn
Percentage change on a year earlier
5
4
3
2
1
0
-1
Source: ONS, OBR

Loss of competitiveness in HE wages

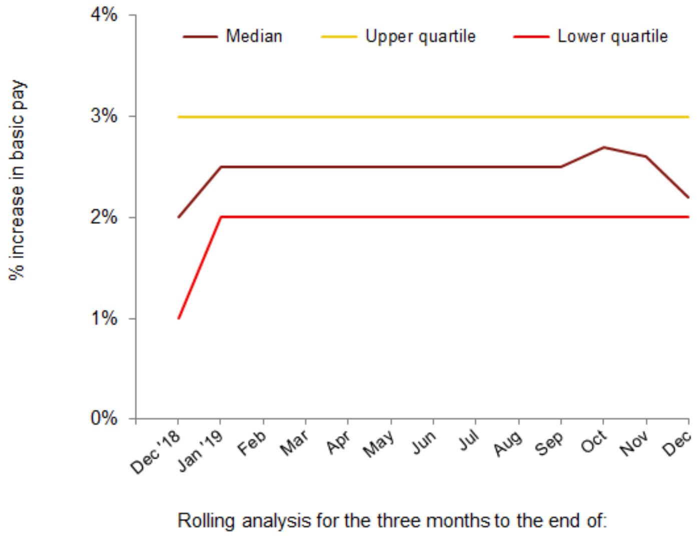
Average pay settlements across the UK economy have been running at 2.5% in the previous year to February 2020[3] with settlements in the private sector running at 2.6%. Increases in average earnings in the three months to December 2019 were 2.9% across the whole economy and ran at 3.3% in the public sector.

The latest OBR forecast from March 2020 shows that average earning growth is expected to rise by 3.3% in 2020 and 3.6% in 2021 (up from the 2019 forecasts). Similarly, treasury forecasts for the UK economy published in February 2020 show that average earnings are predicted to grow by 3.2% in 2020 and 3.2% in 2021.

The cumulative effect of years of HE pay settlements falling well below that seen across the economy as a whole, is set out in the table below. Whereas average pay has seen settlements lift pay by 25.8%[4] between 2009 and 2019, HE pay settlements have delivered total growth of just 13% in ten years.

That means that the relative value of HE pay has declined by against the UK average since 2009. This represents a substantial decline in the competitiveness of HE wages on the labour market and a long-term danger to the ability of HE to attract and retain high quality staff.

Chart 1: Pay review pattern - whole economy, December 2018 to December 2019



XpertHR: https://www.xperthr.co.uk/survey-analysis/pay-trends-january-2020-setting-the-scene-for-the-year/164916/

- The median pay award in the three months to the end of December 2019 stands at 2.2% (XpertHR- sample of 28 pay awards). Over 2019, median pay increase was 2.5% (XpertHR).

[3] Office for National Statistics
[4] Incomes data research – Pay Benchmarker Database

- The median pay award for the three months to October 2019 rose to 2.8% (Incomes Data Research).

Forecast average earnings

The projected growth in UK earnings indicates a closer association with RPI than the employers preferred measure of CPIH. If the average earnings forecasts are realised, and the employers continue to benchmark CPIH for HE pay outcomes then the loss in the value of HE pay is likely to continue over the next few years.

As stated above, the OBR's latest report in March 2020 predicts wage growth of 3.3% for 2020 and 3.6% for 2021. This is an increase on the forecast wage growth from a year ago.

Year	**Projected growth (%)**
2019	2.5
2020	3.3
2021	3.6
2022	3.1

https://obr.uk/efo/economic-and-fiscal-outlook-march-2020/

Loss of value at key spine points

Roles & approx. HE spine point	**2019 salary (2018+ imposed 1.8%)**	**Fall in real value of annual pay (2009-2019)**
Junior researcher (22-29)	£26,715 - £32,816	£5,263 - £6,465
Researcher/Junior Lecturer (30-35)	£33,797 - £39,152	£6,658 - £7,713
Senior/Principal (post-92) Lecturer (43-49)	£49,553 - £59,135	£9,762 - £11,650

VC Principal and Senior pay

The Office for Students (OFS) report into senior pay in universities confirmed the data brought by the joint unions to annual pay negotiations in recent years. In 2017 when the staff pay settlement was 1.7% university leaders saw their pay rise by 3.1%. In 2017 the median pay ratio of 'heads of providers' and staff as a whole was 7.2%[5] but in almost 10% of HEIs the ratio of total pay package to the institution median was over 10:1. In the same financial year nineteen universities increased their VC total reward package by more than 6% and twenty three universities increased their VC's pay by more than 6% - seventeen percent of all universities.

Whilst over the past couple of years there has been an increased focus on VC pay in the public domain, there is still a lack of accountability on this matter and, to date, a lack of commitment by the sector as a whole to address this problem. The joint unions believe that a fair and decent pay offer from the university employers would begin to restore staff, student and public trust in universities.

https://www.ucu.org.uk/media/10422/Transparency-at-the-Top-The-fifth-report-of-senior-pay-and-perks-at-UK-universities-May-2019/pdf/Transparency_at_the_Top_2019.pdf

Affordability

The most recent figures released by HESA is the data from March 2019 showing that in 2017 total income for all UK universities rose by over 38% in the last 10 years, taking the total increase in income since 2009/10 to over £11 billion.

With capital expenditure increasing by more than £1.2 billion since 2009/10 and staff costs decreasing year on year to a new low of 52.9% of income, it is clear from university accounts that investment in higher education staff has been deprioritised in favour of investment in buildings and the hoarding of increasing reserves - £49.22 billion in 2017/18, which have more than tripled since 2009/10[6].

[5] Times Higher Education, February 12, 2019
[6] HESA Finance Plus 2017/18 dataset, March 2019

Total for all UK HEIs	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	7 year % change
Total Staff costs as a % of Total income	56.20%	55.50%	55.20%	55.40%	54.90%	54.60%	54.70%	52.9%	-5.87%
Total Capital	£3.73 bn	£2.79 bn	£3.11 bn	£3.90 bn	£4.28 bn	£4.58 bn	£4.87 bn	£5.18 bn	+38.87 %
Total Income	£27.56 bn	£27.92 bn	£29.14 bn	£30.74 bn	£33.20 bn	£34.74 bn	£35.67 bn	£38.25 bn	+38.79 %
Surplus	£1.20 bn	£1.11 bn	£1.08 bn	£1.18 bn	£1.58 bn	£ 2.34	£2.27 bn	£1.03b	-3%
Total reserves	£14.64 bn	£14.75 bn	£17.90 bn	£19.44 bn	£21.24 bn	£40.48 bn	£44.27 bn	£49.22 bn	+236.20 %

Addressing pay compression

The joint trade unions acknowledge that some steps have been made to address poverty pay in recent higher education pay offers. Over the past few years the pay offer has kept pace with the foundation living wage, but only for those on a 35 hour week. This has resulted in the bottom two pay points having been deleted, as well as higher percentage pay increases for those on the lower end of the pay spine.

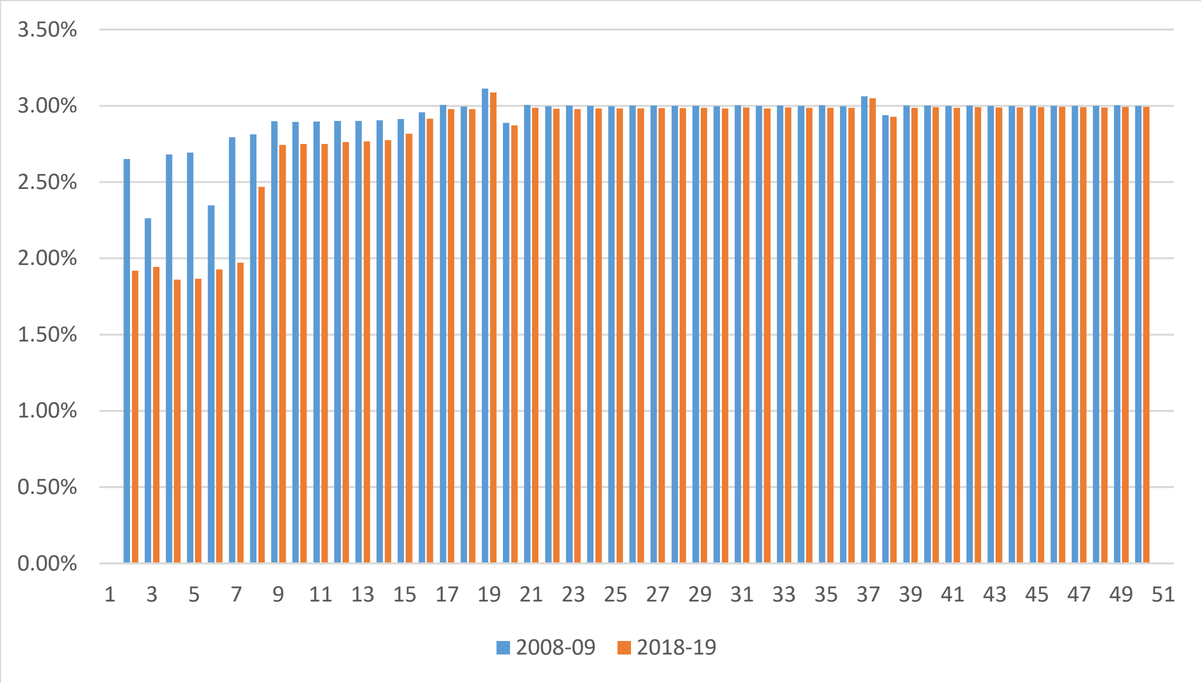
At the same time the sector has been facing the increasing issue of stagnating and falling pay for our members at the top of grades. The majority of employees on the 49 point pay spine are now at the top of their pay grade and, therefore, do not benefit from pay increments, receiving only the general pay rises from each annual settlement which have been consistently below inflation. The joint unions believe that the top of pay grade is the full ‘rate for the job’. Incremental payments are based on the locally agreed grading structure and are not under the remit of national talks.

The sections in this claim on loss of value, inflation forecasts and settlement data, when compared with the pay increase contained in recent settlements, show how far behind both the cost of living and average pay settlements the pay in HEIs has fallen. Our members at the top of grades have therefore faced a steady erosion in their pay packets from below-inflation settlements together with no increment.

The rationale for differentials in the pay structures is important, particularly at a time when our members are taking on more duties as HEIs restructure and cut staff. In recent years the outcomes of New JNCHES have resulted in the pay spine differentials not being consistent throughout the spine, which impacts on equality, fairness and consistency grounds. The unions are calling for a restructure of the pay spine to restore the 3% incremental gaps throughout the pay spine and address the issues of pay compression that exist. Given the high levels of uncertainty affecting the sector, differentials need to be predictable over time rather than being eroded.

The graph below shows how it is members at the bottom of the pay spine who have seen their differentials eroded the most over the past ten years.

Percentage Gap between Different Spinal Column Points



The joint trade unions are seeking, as part of this year's pay settlement, a recognition of the dwindling value of pay for those at the top of grades. A remodelling of the 49 point pay spine to address the erosion of differentials and seeking to restore a 3% gap across the spine is a means to achieve this. Establishing a joint working group to address this problem in a comprehensive way would be a useful way to take this problem forward.

This section of the pay claim comes under section 6, first and second bullet point of the New JNCHES Agreement, 26 March 2013.

35 hour working week for all

As in the claim lodged for the 2019/20 pay round, the joint unions believe that the sector needs to address the differential pay rates between universities.

Each year the higher education pay offer is made with reference to HE staff being employed on a 35 hour per week contract. In recent years the Foundation Living Wage has been achieved as a minimum level of pay but only for those employed on a 35 hour contract. UNISON's 2020 FOI showed that, in fact, the majority of universities in the UK issue standard contracts which are higher than 35 hours, meaning that the FLW isn't achieved even for staff directly employed by universities if they are paid on the lowest few spinal column points.

Our data shows that:

- 52 universities employ staff on 35 hours per week as standard,
- 29 universities employ staff on more than 35 hours and less than 37 hours per week as standard,
- 39 universities employ staff on 37 hours per week or more as standard,

The joint trade unions believe that New JNCHES can show leadership for the sector in response to this claim by developing national guidance on moving staff onto 35 hour weekly contracts.

This section of the pay claim comes under section 8 second bullet point of the New JNCHES Agreement, 26 March 2013. The number of hours in the standard weekly contract directly impacts on the amount that salaries are worth per hour. This comes into sharp focus for those working on part-time, hourly paid or zero hours contracts as well as for those on the lowest pay points. Whilst contracts are issued locally by each employer this point in the agreement states that discussions can place on remuneration matters '…where the detail is determined locally in the context of the Framework…. allowing consideration of practice…across the sector as whole..".

*Additionally, the JNCHES pay agreement 2006-09 section 4 "**The Standard Working Week"** states that "…the sub-committee jointly recommends HEIs with a longer working week explore actively …a reduction in working hours".*

Gender, Race and Disability Pay Gaps

The joint unions are again calling for nationally-agreed action for HE institutions to close the gender pay gap and to specifically address the ethnic pay gap, taking account of the ways in which intersectionality affects pay and grading. This work should be planned and conducted in a transparent way with clear terms of reference.

Every year the official pay data in UK higher education shows continuing, shameful and persistent pay inequality with 46 HE institutions having reported a wider pay gap between men and women compared to the first year of reporting[7]. UK universities promote the values of equality, yet it is more than fifty years since the Equal Pay Act and the sector still has huge and in some cases growing gaps in the pay of men and women. In April 2019 with the second year of reporting on gender pay gaps in organisations employing over 250 people, the problem remains as bad as ever with the women's mean hourly wage being 15.1% of men's wages (down by 0.7% on 2018) and with the median having increased to 14.8% up from 14%[8].

Gender pay gap across the UK HE sector standing at 12.6 % (HESA all staff mean 2018) the race pay gap 17 % (HESA) and the disability pay gap stands at 9% (HESA). In addition, over thirty institutions reporting gaps in excess of 20%[9].

The time has now come for universities to agree clear action plans with their unions and for joint work to be done to address the race pay gap and the impact of intersectionality on staff

[7] https://www.timeshighereducation.com/news/gender-pay-gap-uk-universities-report-slow-progress

[8] Ibid.

[9] THE April 2018

earning in HE. New JNCHES has an important review and enabling role in this. UCEA's own analysis shows that black non-UK men, black UK women and black non-UK women suffer the most significant pay penalty in comparison to white-UK men. The extent of the problem is widespread and deep-rooted and having been identified, urgent action must now be taken.

ASHE data on all HE staff:

	Median salary	Annual % change	Mean salary	% change
All staff	33,503	3.5	35,148	1.6
Male	37,723	0.0	40,887	0.2
Female	28,954	1.7	30,364	2.4

ASHE 2019 - Table 16

UCEA's Tackling the Gender Pay Gap report revealed that union involvement in developing action plans was inconsistent - whilst 40% of published action plans had "sustained, on-going" union involvement, only 6% of published action plans had received union sign off.

The interventions chosen within the action plans did not seem to be evidence based- UCEA finds that the most common actions taken "are not necessarily reflective of what works or what is relevant".

For example, fewer than half of all action plans had identified contract type as an area of intervention, despite women being more likely to be on fixed-term, hourly paid or zero hours contracts. On the other hand, 86% of action plans included "mental health and well-being initiatives", which is not an action relevant to closing the gender pay gap.

Only a third of published action plans considered the ethnicity pay gap.

As identified above, looking at the intersection between different pay gaps is crucial. UCEA's report on the intersection between gender & ethnicity in pay found that the pay penalty experienced by BME women is much more likely to be due to ethnicity than gender. Failing to consider the intersection between different pay gaps risks action on the gender pay gap that doesn't benefit all women, and could further compound ethnicity pay gaps.

Working proactively to eliminate the gender and race pay gap makes business sense, makes moral sense and shows staff that the sector is committed to tackling this entrenched discrimination.

The joint unions are seeking:

- a national, time specific, agreement detailing how action will be achieved by each HEI working with their trade unions to close the gender, race and disability pay gap,
- An implementation agreement agreed by HEI management and their trade unions which is then progressed and reported back to new JNCHES.
- a commitment by all UCEA affiliates to encourage their staff to declare their protected characteristics with their employers to help address discrimination; then the completion of a full Equal Pay Audit covering all protected characteristics by a specific date, and all the data to be shared with the campus unions. UCEA to collate and share with the unions nationally copies of all the Gender Pay actions plans drawn up by UCEA affiliates.

This section of the pay claim comes under section 9 of the New JNCHES Agreement, 26 March 2013. Additionally, section 6, second bullet point references the Framework Agreement which has a section on Equal Opportunities and Pay.

Precarious work: casual contracts and outsourced workers

In October 2019 The Guardian lifted the lid of the on-going scandal of the outsourcing of university support services to private companies. This investigation showed, in some cases, university spending on outsourced services had increased by 70% over seven years. These companies are making a profit – the only reason that they take on university contracts – at the expense of funding councils, government funding and hard-pressed students' fees.

The joint unions do not expect that higher education institutions to be abdicating their responsibility for employing the lowest paid staff on decent terms and conditions and with decent pensions. In many places, universities are the largest employers and the policy of outsourcing has a significant impact on the local community. However, over the past two years a number of universities in London have recognised the benefits to employing all staff in-house to enable a coherent service to be delivered to staff and students. It does not pay to save money on catering, cleaning and security when these services, if properly integrated, underpin a safe university community.

There are still a large number of contractors taking profits from higher education. According to UNISON's 2020 FOI (with some data still outstanding), of those who responded 69 universities outsourced cleaning; 60 outsourced catering; 68 outsourced security services. The thousands of university staff now outsourced to the private sector has an impact on their pay, as well as having equalities impacts. The joint unions are requesting that joint work is done to establish best practice in terms of delivering services on an in-house basis ensuring that all employees have equal and fair access to sick pay, annual leave pay and pensions as well as to the national higher education pay spine. The joint unions are calling for the UCEA to establish, with the joint trade unions,

- national guidance for the sector to encourage them to bring services back in-house
- discussions to take place at local HEI level with the trade unions on the best way that in-sourcing can be delivered.

We know from a recently leaked minutes of a Russell Group senior staff meeting, that casual contracts are affecting the physical and mental health of staff, and having a negative impact on students' learning. The minutes also referred to the need to 'show leadership' to 'avoid further reputational damage'. The report warned that politicians and others are starting to express concerns about the casualisation of university teaching and research, as well as a lack of support for staff. The report details how the number of staff on fixed-term contracts has increased at Russell Group institutions since 2012. Previous analysis of data from the Higher Education Statistics Agency revealed that Russell Group universities employed more staff on insecure contracts than other institutions.

According to the latest HESA data, one third of all academics working in academia are employed on fixed-term contracts. This figure rises to almost half for teaching-only academics (49%) and over two thirds (67%) for research only staff. Despite the negative press and widespread campaigning, 30% of all higher education institutions still use zero-hours contracts for employing academic staff. This equates to 49 institutions employing 6520 academic staff on these discredited contracts. When it comes to hourly-paid academics, staff are again concentrated in teaching-only roles where 42% of academic staff are on hourly-paid contracts. Atypical contracts. There are 68,845 academic staff employed on atypical' contracts which will include those on the most casualised forms of contract. Casualisation remains a problem for all academic staff groups but the use of fixed-term contracts for research staff, and zero-hours and hourly-paid contracts for teaching-only staff is endemic; (data HESA 2018).

The joint unions are seeking a commitment from UCEA to a joint call for universities to commit to a new institution-level action and implementation plans to create greater security of employment and to address the problems facing outsourced & casualised work. These plans should align with the principles of good work. The joint call to institutions will agree their plans with the local trade unions and an implementation timeline with a specific commitments to:

- end the use of zero hours contracts with all staff having at least minimum guaranteed hours that reflect their working pattern on an employee contract;

- agree a process by which staff on hourly paid contracts can be moved to fractional contracts;

move all staff with more than 4 years' service to open ended contracts with a focus on better management of redeployment, the provision of bridging funds (for example for use between research grants for both research and support staff working on externally funded research projects) and a move to research 'hubs';

- HEIs recognise the need to reduce the levels of casualisation and to commit resources to do so;

- For all contracts (other than genuine cases of cover) to be no shorter than 24 months

As part of the agreement, universities will be invited to submit jointly agreed action plans for review by November 2020 and to report on progress against these plans in time by February 2021 to inform the following pay round.

A joint monitoring group will assess universities' success in developing and then implementing plans and will report to JNCHES in May 2021. A joint report will then be written and co-authored by the unions and UCEA and published in June 2021 to update on the sector's progress.

This section of the pay claim comes under section 7 of the New JNCHES Agreement, 26 March 2013 which references fixed-term, hourly paid, and low pay (which relates to the outsourced services which, in many cases, employ staff on the lowest rates of pay.) Additionally, section 8 of the, third bullet point, states that 'areas of employment practice…with the potential to produce material for dissemination to institutions", in the New JNCHES Agreement, 26 March 2013

<u>Workload</u>

The 2018 CIPD report UK Working Lives identifies the seven key dimensions of job quality. Under the heading 'job design' the CIPD found that "People feel overworked and overloaded. Overload is a key finding. This cannot be seen as anything other than a substantial problem." This finding, across a wide range of employment sectors, can be seen to accurately describe our findings of staff experience in higher education. Workload, still, urgently needs to be addressed.

UNISON's 2019 survey of members in higher education found that 28% of university staff work more than their contracted hours for no extra pay one of more times per week with 13.4% stating that they do so on a daily or nearly daily basis. 67% said that their workload had increased in the past year. Shockingly 60% said that they don't feel valued as a member of staff at the university. 63.3% said that they were either 'Very Concerned' or 'Concerned' about workload and unsurprisingly, 64% said that they were either 'Very Concerned' or 'Concerned' about work related stress. Unite's research in 2019 found very similar results with over 70% of staff reporting feeling stressed at work, over 80% regularly work beyond their contracted hours, and over half have considered quitting their jobs in the past 12 months.

The cost to employers of not dealing effectively with both workload and stress at work has now been well documented. The cost affects productivity, sickness absence bills, and of course, has a health and financial cost to the employees directly concerned and their colleagues. Higher education institutions can no longer ignore this problem.

Workload has been identified as a key issue for all grades and roles across campuses. Nearly half of those surveyed (47.5%) stated that in the past year the number of staff in their team had declined.

The trade unions wish to make it explicitly clear that actions need to be taken by employers to reduce unsafe and excessive workloads, and that such excessive workloads mean, in effect, that staff are doing more work for less pay.

The joint trade unions are seeking an agreement on the following terms:

- An agreed national action plan by which HEIs agree workload models with their local trade unions that are based on the actual hours required to do the job.
- UCEA to recommend the adoption and implementation of the Stress Management Standards approach (or suitable equivalent system) incorporating collaborative working with recognised trade unions and staff;
- the recognised trade unions commit to genuine engagement and joint working with the employers to agree local action plans to reduce the incidence of work-related stress ill health;

National stats from Labour Force Survey via HSE, 2019:
http://www.hse.gov.uk/statistics/causdis/stress.pdf

- Over 600,000 workers suffered from work-related stress, depression or anxiety in 2018/19
- Stress, depression or anxiety accounted for more than half (54%) of all working days lost due to work-related ill-health: 12.8 million days in 2018/19
- 44% of stress, depression & anxiety cases were caused by workload. Education had significantly higher than average rates of stress, depression & anxiety
- The reasons cited as causes of work-related stress involve workload, lack of managerial support and organisational change as the primary causative factors.

National stats - TUC health & safety survey:
https://www.tuc.org.uk/sites/default/files/Safety%20Reps%20report%202018.pdf

This section of the pay claim comes under section 6 of the New JNCHES Agreement, 26 March 2013 in that workload and the unpaid overtime that staff on all grades are undertaking has a direct impact on the hourly wage (which is reduced with every additional unpaid hour worked). This section of the pay claim also comes under section 8, second bullet point with regard to 'remuneration matters where the detail is determined locally… allowing consideration of practice… across the sector as a whole'.

Scottish JNCHES

The New JNCHES Agreement expressly acknowledges the reality of the establishment of devolved HE sectors for the devolved administrations within the UK, and that a sub-committee of the NEW JNCHES Committee may be formed to look at HE issues for any of the devolved administrations. There is clear evidence that there are some diverging trends and structures emerging in Scotland relative to the rest of the UK. The Fair Work Convention is Scotland specific, and a Scottish JNCHES would need to ensure that this is embedded within Scottish HEI's and is beyond the scope of the full JNCHES. A Scottish JNCHES sub-committee would provide the appropriate forum for legitimate discussion and engagement on this and other issues.

For this reason, the trade unions seek the activation of the Scottish New JNCHES Sub-Committee to look at Scottish issues.

Over the past year, the importance of having a Scottish sub-committee has become more pronounced. The ways in which Brexit will affect Scottish universities may be different from HEIs in England given the different funding and tuition fee regimes. The Higher Education Governance (Sc) Act 2016 is gradually being implemented, with dialogue taking place on this, and other key sectoral employment issues, in Scotland out-with New JNCHES.

In addition, the Scottish Fair Work Convention has outlined five key areas that all employers, including HEIS will be required to meet by 2025. It is our expectation that the Scottish Government, in line with its commitment will be looking to track and measure progress on implementation, particularly with public sector organisations that it funds. The 5 pillars of work around this convention are:

1. Effective Voice - Dialogue and structure for consulting and negotiating is key to understanding and defining fair arrangements between employers and workers and therefore opportunities for effective voice are central to fair work and underpin – and can help deliver – other dimensions of fair work.
2. Fair opportunity is, more than the chance to access work. Attitudes, behaviours, policies and practices within organisations – and, crucially, the outcomes these produce – signal and reflect the value placed on fair opportunity. Being proactive in ensuring opportunity for all can highlight current practice, signal areas of change and intervention, and produce a range of benefits for workers and employers.
3. Security - Security of employment, work and income are important foundations of a successful life. Predictability of working time is often a component of secure working arrangements. While no one has complete security and stability of employment, income and work, security remains an important aspect of fair work. Context and competitive conditions impact significantly on prospects for security, but fair work is not work where the burden of insecurity and risk rests primarily on workers.

4. Fulfilment - Fulfilment as a dimension of fair work can be supported in a variety of ways: through forms of job design and work organisation that focus on effective skills use, autonomy, opportunities to problem solve and to make a difference, investment in learning and personal development and career advancement
5. Respect - Respect as a dimension of fair work can be supported in a wide variety of ways: through established procedural and collective bargaining arrangements with unions; through health, safety and wellbeing policies and practices; through organisational policies and practices on dignity at work; adoption and genuine engagement with respect as a key organisational value; communication; training; managerial and supervisory approaches; and approaches to conflict resolution.

The trade unions claim is to establish the Scottish Sub-Committee of New JNCHES as set out under the New JNCHES Agreement. The main purpose of the sub-committee would be to deal with matters not currently being dealt with at the New JNCHES Committee and to inform NEW JNCHES where best practise is being established in Scotland so it can be considered at the UK level.

This section of the pay claim comes under section 10 of the New JNCHES Agreement, 26 March 2013, first bullet point.

Career development, progression and training opportunities.

The Joint trade unions are calling on UCEA to work with us to establish a working group to look at career development and progression issues and training opportunities.

Members of all five unions express their frustrations with how their career development and training opportunities are increasingly frustrated in the context of wide-spread organization change within the sector and the inconsistencies in approach taken at HEI's.

The trade unions are proposing that the working group would look at, but not be limited to, technicians and the Technician Commitment and academic related staff.

This section of the pay claim comes under section 6, second bullet point of the New JNCHES Agreement, 26 March 2013 which references the Framework Agreement which, itself covered pay progression and career pathways/progression. Additionally, section 7 of the New JNCHES Agreement references particular occupational groups.

Conclusion

Based on the data presented above, HEI's are able to fund pay increases to meet our claim. Whilst there is continuing economic and political uncertainty, the HE sector is able to address the increasingly acute problem of sub-inflationary pay rises highlighted in this pay claim and indeed it must do.

The unions are concerned that the increasing downward wage pressures and upward workload pressures are creating institutions in which morale is suffering. This claim provides clear ways in which problems concerning pay, pay discrimination, workload, and employment practices can be addressed.

HE staff contribute in so many ways to delivering the world class education at British HEIs, and they need and deserve a pay rise as well as working conditions which provide stable and fair employment.

Now is the time for employers to invest in their biggest asset when global competition is increasing and the UK's position in relation to potential students and staff from the EU and beyond is uncertain. One certainty is that existing staff will help British universities to maintain their world class status and need to be shown that they are valued for their contribution.

This claim is a reasonable one and an accurate reflection of the key concerns of our members working in universities across the country. The unions believe that this claim should form the basis for a pay offer that we can recommend to our members. This pay claim aims to ensure that everyone is valued and that the hard work of all is recognised and rewarded.